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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,991	07/08/2003	Yoshikazu Watanabe	1046.1295	6252

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
BRINEY III, WALTER F	

ART UNIT	PAPER NUMBER
2646	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,991	WATANABE ET AL.	
	Examiner	Art Unit	
	Walter F. Briney III	2646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-9 and 11-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-9 and 11-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 September 2005 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claims 3-9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sudo et al. (US Patent 6,223,058) in view of the Motorola Timeport 270c wireless telephone user's manual (Copyright 2001 Motorola, Inc., herein "the 270c manual").**

Claim 3 is limited to *an information processing terminal.* Sudo discloses a communication terminal apparatus and control method thereof. See Abstract. The terminal apparatus is depicted in figures 2-4 as a cellular/mobile telephone. The telephone includes a rotary switch (4). The telephone includes many functions that are accessed by way of the rotary switch (4), these include a telephone book, alarm,

volume control, and, of course, calling (i.e. *a rotary operation unit provided on a terminal stored with a variety of functions and performing a various operations of said terminal by a rotational operation thereof*). See figures 18, 27, 31, and column 10, lines 24-31. Sudo discloses that the rotary switch operates by detecting the direction of the rotary switch based on which track first generates an electrical pulse. The amount of rotation is tracked by a counter within the controller (i.e. *a rotational volume measuring unit measuring a rotational volume of said rotary operation unit*). See column 9, line 60 to column 10, line 6. Sudo depicts in several figures that the rotational motion of the switch is symbolized on the LCD of the communication terminal. Also, Sudo discloses adjusting the volume of the ringer using the rotary switch, illustrated in figure 31. In this way, both the LCD and speaker correspond to *an output unit outputting an output based on an operation result of said rotary operation unit*. In operation, the controller is ultimately responsible for indicating the results of rotationally translating the switch to the LCD and speaker. Thus the controller corresponds to *an operation content notifying unit notifying of a content of the operation result causing said output in accordance with a result of measurement by said rotational volume measuring unit*.

As mentioned above, Sudo discloses an alarm feature (column 15, lines 32-36). Alarms are devices that are programmed to generate a notification (e.g. audible ringer) at a certain time (i.e. *further comprising a timer unit setting said operation content notifying unit to notify at a predetermined time*).

The display for making a call, depicted in figure 21, includes the most frequently called contacts, arranged from 1-to-9. Thus, the contact (Robert) is the maximum and

the contact (Nick) is the minimum. Sudo discloses that these values are navigated using the rotary switch, thus when the cursor (K) highlights (Robert), the output is at a max, and when the cursor (K) highlights (Nick), the output is at a min (i.e. *wherein said operation content notifying unit notifies that an output content outputted from said output unit is a maximum or minimum*). See column 11, lines 12-20. However, the above described operation content notifying is not dependent on the occurrence of a predetermined time as identified by the timer unit. Therefore, Sudo anticipates all limitations of the claim with the exception of *when an output content...is set to a maximum or minimum at said predetermined time, said operation content notifying unit notifies by an alarm that an output content...is a maximum or minimum.*

As a first matter, the examiner takes Official Notice of the fact that audible ringing alarms were well known at the time of the invention. Evidence of this is provided in the user's manual for the Motorola Timeport 270c wireless phone. See pages 116 and 117. As Sudo does not provide any description concerning the alarm feature mentioned above, providing inherent motivation to use a known prior art implementation to reduce the burden of designing a new alarm setting feature. Thus, the "Alert Detail" feature of the 270c manual allows programming of a ringer type and volume for a scheduled datebook event, which corresponds to the alarm feature disclosed by Sudo. It follows that if a datebook entry is set to go off at a predetermined time, an audible ringer will be sounded in accordance with the programmed settings, the settings including a type of ring and the volume. If the volume is at a maximum or minimum, the user will be

essentially made aware of that based on the loudness of the ringing alert generated by the loudspeaker at said predetermined time.

It would have been obvious to one of ordinary skill in the art at the time of the invention to produce an audible ringing alarm as was known in the prior art and evidenced by the 270c manual and to implement the alarm setting function as taught by the 270c manual simply because Sudo does not indicate how to do so.

Claim 4 is limited to *an information processing terminal according to claim 3*, as covered by Sudo in view of the 270c manual. Figures 2-4 depict the motion of the rotary switch (4). The UP direction is analogous to clockwise and the DOWN direction is analogous to counterclockwise. As indicated in column 11, lines 12-20, moving the rotary dial upward causes the display to approach the maximum entry (Robert) (i.e. *wherein an output level from said output unit changes to a direction of maximum output value as said rotary operation unit rotates clockwise*). Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 5 is limited to *an information processing terminal according to any one of claim 3*, as covered by Sudo in view of the 270c manual. Figures 2-4 depict the motion of the rotary switch (4). The UP direction is analogous to clockwise and the DOWN direction is analogous to counterclockwise. As indicated in column 11, lines 12-20, moving the rotary dial downward causes the display to approach the minimum entry (Nick) (i.e. *wherein the output level from said output unit changes to a direction of minimum output value as said rotary operation unit rotates counterclockwise*). Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 6 is limited to *an information processing terminal according to claim 3*, as covered by Sudo in view of the 270c manual. Sudo discloses the operation of the rotary switch in connection with figures 15 and 16. The controller counts the number of pulses, and thus, can detect the number of rotations that have occurred (i.e. *wherein said rotational volume measuring unit measures an angle of rotation or the number of rotations of said rotary operation unit*). See column 9, line 60 to column 10, line 6). Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 7 is limited to *an information processing terminal according to any one of claims 3*, as covered by Sudo in view of the 270c manual. The *output unit* has been shown to correspond to either the LCD or loudspeaker of the telephone disclosed by Sudo. Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 8 is limited to *an information processing terminal according to claim 7*, as covered by Sudo in view of the 270c manual. Sudo discloses adjusting the volume of the received signal during communication using the circumferential motion of the rotary switch (i.e. *wherein said rotary operation unit controls a level of the sound outputted from said loudspeaker*). Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 9 is limited to *an information processing terminal according to any one of claims 3*, as covered by Sudo in view of the 270c manual. Figure 30 depicts more menus for use in the communication terminal of Sudo. In particular, the LCD Density can be adjusted; this corresponds to brightness setting (i.e. *wherein said rotary*

operation unit controls a luminance on a screen of a display device). Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 11 is limited to *a storage medium readable by machine*. The method steps of this claim are inherently performed by the elements of the information processing terminal of claim 3. In particular, the output unit performs the "detecting" step; the rotational volume measuring unit performs the "measuring" step; and the operation content notifying unit performs the "notifying" step. Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 12 recites essentially the same subject matter as claim 11, and is rejected for the same reasons.

Claim 13 is limited to *an information processing terminal according to any one of claims 4*, as covered by Sudo in view of the 270c manual. Figures 2-4 depict the motion of the rotary switch (4). The UP direction is analogous to clockwise and the DOWN direction is analogous to counterclockwise. As indicated in column 11, lines 12-20, moving the rotary dial downward causes the display to approach the minimum entry (Nick) (i.e. *wherein the output level from said output unit changes to a direction of minimum output value as said rotary operation unit rotates counterclockwise*). Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 14 is limited to *an information processing terminal according to any one of claims 6*, as covered by Sudo in view of the 270c manual. The *output unit* has been shown to correspond to either the LCD or loudspeaker of the telephone disclosed by

Sudo. Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Claim 15 is limited to *an information processing terminal according to any one of claims 6*, as covered by Sudo in view of the 270c manual. Figure 30 depicts more menus for use in the communication terminal of Sudo. In particular, the LCD Density can be adjusted; this corresponds to brightness setting (i.e. *wherein said rotary operation unit controls a luminance on a screen of a display device*). Therefore, Sudo in view of the 270c manual makes obvious all limitations of the claim.

Response to Arguments

Applicant's arguments filed 02 November 2005 have been fully considered but they are not persuasive.

With respect to claims 3-9, the applicant alleges on page 6 of the current response that the combination of Sudo et al. in view of the Motorola Timeport 270C wireless telephone user's manual does not disclose, teach or suggest "notifying the user by an alarm whether the output volume is at the maximum or minimum value," to which the examiner respectfully disagrees. In particular, the applicant alleges on page 6, lines 12-15, that the method taught by Motorola simply allows a user to set an alarm based upon a calendar or timer entry and that if the sound of the alarm is emitted in a noisy place, the sound may be drowned out and the user does not sense that the volume is at a maximum value. While the applicant points out what might be a flaw in the prior art, the claim by no means necessitates the contrary to hold. The claim language itself is

quite plain, and states "when an output content output from said output unit is set to a maximum or minimum at said predetermined time, said operation content notifying unit notifies by an alarm that an output content outputted from said output unit is at a maximum or minimum." As interpreted, the claim essentially states that when an alarm, such as the one taught by Motorola, is set to a predetermined time and that predetermined time occurs, the alarm is generated with a sound level equal to that set by a user, where the sound level may be set to a maximum, a minimum or anything in-between. Although not recited in the claim, the last part "or anything in-between" is allowed by the transitional phrase "comprising" at the beginning of the claim. In contrast to the broadest reasonable interpretation of the claim, the applicant states that the instant invention does not provide "an alarm" in any case but when a value is set at either a maximum or minimum. See page 6, lines 16-19. As the claim does not support the applicant's argument, the argument is moot.

Additionally, it is noted that nothing in the claim dictates what the alarm comprises. In other words, if the alarm is a sound, is its sound level independent of the maximum or minimum setting? Absent a limitation to this effect, it is reasonable that an alarm that provides a maximum or minimum indication by varying its sound level in conjunction with the maximum or minimum setting corresponds to the alarm recited. Therefore, the rejections of claims 3-9 are maintained.

With respect to claims 11 and 12, the new grounds of rejection presented in the preceding section entitled *Claim Rejections – 35 USC § 103* render the arguments associated with these claims moot.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WFB

SINH TRAN
SUPERVISORY PATENT EXAMINER